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LAW OFFICES OF
CROWDER & SCOGGINS, LTD.

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December 27, 1990

Mr. William C. Child, Manager
Illinois Environmental Protection
Agency
Division of Land Pollution Control
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Sauget - Cahokia Sites - Project L16302000005, St. Clair
County
Our File No. 90-CV-0192

Dear Mr. Child:

This is a follow up to my letters dated June 28, 1990 and
September 6, 1990, with respect to the above captioned matter, copies
of which are enclosed.

Please let me know the IEPA's position in this matter. It is my
understanding that the IEPA and Monsanto have agreed to a clean up
plan.

Thank you for your attention to this matter.

Very truly yours,


Curtis W. Martin

CWM/lh/C-28
Enclosures

cc: Doris Tolbird

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AREA CODE 618
TELEPHONE 261-7111

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June 28, 1990

Mr. William C. Child, Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Sauget/Cahokia Sites - Project L1630200005, St. Clair County

Dear Mr. Child:

Pursuant to your conversation with Stephen Schaller of our office on June 26, 1990, request is hereby made that the I.E.P.A. reach a final settlement with Doris M. Tolbird. Mrs. Tolbird is the widow of James D. Tolbird, and is the owner of, and potential responsible party with respect to, Site H within Area 1 of the above referenced project site. The following information is provided to you so that a proper evaluation of Mrs. Tolbird's position can be made.

Mr. Tolbird purchased from Roger's Cartage Company on July 31, 1979, the parcel which is now identified as Site H within Area 1 of the Sauget/Cahokia, St. Clair County project site. Mr. Tolbird placed the parcel in joint names with his wife Doris as a matter of convenience. At the time of the purchase of this parcel, it was an open area as it is today. The Tolbirds did not know, nor did they have any reason to know, that this site had once been used as a dumping ground for hazardous substances. Mrs. Tolbird became the sole owner of this parcel as the surviving joint tenant after her husband's death in February of 1989. Enclosed herewith is a copy of a letter dated May 10, 1990, from this office, with an attached Statement of Mrs. Tolbird in response to your request by letter dated April 30, 1990.

It is Mrs. Tolbird's position that she is not subject to liability under Section 1022.2 of the Illinois Environmental Protection Act pursuant to Section 1022.2 (j)(1)(C), (6)(A)(i) and (6)(B). In other words, Mrs. Tolbird believes that she is not subject to liability because any release of hazardous substances and any damages resulting therefrom were caused solely by an act or omission of a third party with whom she and her husband had no "contractual relationship". Mrs. Tolbird claims no contractual relationship because she and her husband acquired the property after the disposal of hazardous substances and, at the time of their

Mr. William C. Child
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June 28, 1990

purchase, they did not know, and they had no reason to know, that any hazardous substances had been disposed of on that property.

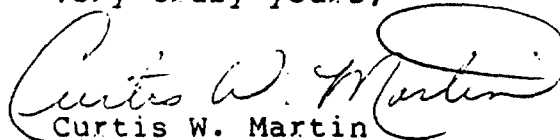
Further, Mrs. Tolbird believes that she falls within the provisions of Section 1022.2a (a)(2) due to the following facts: (1) she is the owner of the real property on which hazardous substances may have been disposed of; (2) she and her husband did not conduct or permit the generation, transportation, storage, treatment or disposal of any hazardous substance on that real property; (3) she and her husband did not contribute to the release or threat of a release of hazardous substances on the real property through any action or omission; and (4) she and her husband did not purchase the real property with actual or constructive knowledge that the property had been used for the generation, transportation, storage, treatment, or disposal of any hazardous substance.

On behalf of Mrs. Tolbird, request is hereby made that the I.E.P.A. reach a final settlement with Mrs. Tolbird pursuant to Section 1022.2a, relieving her of any liability and responsive costs, if any, under Section 1022.2 with respect to the above referenced project site.

Please advise me of your position as soon as possible with respect to the foregoing request. Representatives of the I.E.P.A. have indicated that the I.E.P.A. will be conducting its own RI/FS beginning in July if the potential responsible parties fail to reach an agreement among themselves as to an RI/FS to be performed at their own expense. Hence, I would like to have the matter of Mrs. Tolbird's liability resolved before substantial costs are incurred.

Thank you for your attention to this matter.

Very truly yours,


Curtis W. Martin

CWM/lh/M2-51
Enclosure

cc: Doris Tolbird